IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 2023 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI, J.
DECEMBER 08, 2006.

Heard Shri Charpe, learned counsel for the petitioner and Shri Sambre, learned counsel for the respondent.

The learned counsel for the petitioner argues that the Industrial Court has erroneously held that misconduct was not proved. He has invited attention to the statement of Conductor recorded immediately after the checking of bus. He further contends that there were statements of passengers also and as such the material on record was sufficient to justify the findings reached by the Enquiry Officer.

The learned counsel for the respondent contends that the statements of passengers were not produced before the Industrial Court and he further states that in his spot statement, Respondent – Conductor has never stated that there is mistake on his part and he has not

accepted any misconduct. He further states that there is no past service record of the respondent on these lines or in this respect.

I find that after holding that charge is proved, the punishment of withdrawal of one increment is inflicted upon the respondent. It was challenged before the Industrial Court. The Industrial Court has found that the Enquiry Officer has relied upon the admission of Conductor and has recorded that there was no such admission.

The learned counsel for the petitioner states that the Enquiry Officer has not relied upon any admission. However, I further find that the Conductor has not in spot statement accepted any misconduct. He has only stated that inadvertently he has issued wrong tickets. The statements of passengers were not produced on record before the Industrial Court.

In the circumstances, I do not find any jurisdictional error or perversity in the order of Industrial Court. Writ Petition is dismissed.

JUDGE

*GS.